

ARKANSAS SUPREME COURT

No. CR 05-648 and CACR 04-525

EDWARD LOVELESS
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered March 1, 2007

PRO SE MOTION FOR
RECONSIDERATION OF MOTION
FOR ACCESS TO TRANSCRIPT AND
RECORDS [CIRCUIT COURT OF
POPE COUNTY, CR 2002-658, CR
2003-115]

MOTION DENIED.

PER CURIAM

In 2003, petitioner Edward Loveless was found guilty by a jury of possession of paraphernalia with intent to manufacture a controlled substance and manufacture of a controlled substance. An aggregate sentence of 240 months' imprisonment was imposed. Fines totaling \$10,000 were also imposed. The Arkansas Court of Appeals affirmed. *Loveless v. State*, CACR 04-525 (Ark. App. Mar. 2, 2005). Petitioner subsequently timely filed in the trial court a petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1, which was denied. We affirmed the trial court's order. *Loveless v. State*, CR 05-648 (Ark. Jan. 26, 2006) (*per curiam*).

On January 16, 2007, petitioner, who contended that he was indigent, filed a *pro se* motion in this court seeking access to the "trial transcript, record, files, and any other submission" pertaining to the direct appeal of the judgment of conviction and the appeal from the Rule 37.1 order. As providing petitioner with access to the material would require photocopying it at public expense

inasmuch as he is incarcerated and not in a position to examine the material in our clerk's office, we treated the motion as a motion for photocopies at public expense.¹ The motion was denied. *Loveless v. State*, CR 05-648 and CACR 04-525 (Ark. Feb.1, 2007) (*per curiam*). Petitioner now asks that the motion be reconsidered.

Petitioner argues that, as he proceeded *pro se* in some parts of the proceedings in his criminal cases, he should be entitled to the material just as a licensed attorney would be. He urges this court to permit him to check out material and return it.

It is the policy of this court to permit only persons licensed to practice law in this state to remove transcripts. No person is permitted to check out briefs or other material on file with this court. We decline to extend the privilege of checking out transcripts to appellant. Attorneys are permitted to remove a transcript because attorneys are officers of the court and charged as such with protecting the transcript with which he or she is entrusted.

Appellant further contends that he did not intend his original motion as a request for a *photocopy* of the material on file with this court. Instead, he seeks access to the material "by electronic or other means." He bases the request for access to the material electronically on the erroneous belief that all the material he desires is on file in an electronic version and accessible by way of the internet. Transcripts, briefs, motions, and other material on file with the appellate courts, however, are not available in electronic form at this time, and thus are not available to appellant by those means.

Motion for reconsideration denied.

¹For clerical purposes, the motion was filed under the docket numbers assigned to the direct appeal of the judgment which was lodged in the Arkansas Court of Appeals and the Rule 37.1 appeal lodged in this court.